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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,312	02/28/2002	Hiromasa Tanji	D-1252	6850

7590 04/08/2003

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EXAMINER

MCCLLOUD, RENATA D

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/084,312

Applicant(s)

TANJI, HIROMASA

Examiner

Renata McCloud

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The translation for DE 4332205 listed on the information disclosure statement filed 13 May 2002 is missing.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frantom et al (U.S. Patent 4,665,312) in view of Townsend et al (WO 00/21801).

**Claim 1:** Frantom et al teach a motor retractor system, comprising: a seat belt (10); a first winding device attached to one end of the belt and having a motor for winding the same (14); a second winding device attached to the belt and having a tension applying device for always applying a tension to the belt for winding the same (Col.14: 48-58); a through-tongue slidably attached to the seat belt (Fig. 1:22); a buckle to be connected to the through-tongue (Fig. 1:24), a detecting device attached to the through tongue and the buckle for detecting a -release of the through tongue from the buckle (Fig. 2:38); and a control unit electrically connected to the detecting device and the first winding device for actuating the motor upon the release of the

through-tongue from the buckle detected by the detecting device (Fig. 1:28; Fig. 2:28). Frantom et al do not teach a winding device attached to the other end of the belt.

Townsend et al teach a first winding device attached to one end of the belt (Fig. 4:20) and a second winding device attached to the other end of the belt (Fig. 4:18).

**Claim 3:** Frantom et al and Townsend et al teach the limitations of claim 1. Referring to claim 3, Frantom et al teach belt-storage detecting means disposed in the first winding device for detecting stored states of the belt in the respective winding devices (Col. 14:20-30). Frantom et al do not teach second belt-storage means. Townsend et al teach first and second belt-storage means disposed in the first winding device and the second winding device, respectively (Fig. 4:44,46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the retractor system taught by Frantom to include a second winding device and second storage means as taught by Townsend et al. The advantage of this would be a retraction system that reduces wear on the seat belt and insures reliable positioning of the belt for repeated use.

**Claim 2:** Frantom et al and Townsend et al teach the limitations of claim 1. Referring to claim 2, Frantom et al teach a control unit turns on the motor of the first winding device to wind the belt when the through-tongue is released from the buckle (Col.4:13-18).

**Claim 5:** Frantom et al and Townsend et al teach the limitations of claim 3. Referring to claim 5, Frantom et al teach the first belt-storage detecting means detects a predetermined amount, the control unit stops winding operation of the first winding device (Col. 14:25-38).

**Claim 6:** Frantom et al and Townsend et al teach the limitations of claim 1. Referring to

claim 6, Townsend et al teach seat belt includes a shoulder portion connected to a first winding device (Fig. 1:33), and a lap portion connected to a second winding device (Fig. 1:31).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frantom et al and Townsend et al as applied to claim 1 above, in view of Seki et al (U.S. Patent 5,634,664).

**Claim 4:** Frantom et al and Townsend et al teach the limitations of claim 1. They do not teach when the belt is in use, only the second winding device generates tension. Seki et al teach when the belt is in use, only the second winding device generates tension (Col. 2:35-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the retractor device taught by Frantom et al and Townsend et al to make only the second winding device generates tension as taught by Seki et al. The advantage of this would be a retractor system that selectively locks the seat belt.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon.-Thurs and every other Fri. from 8 am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Art Unit: 2837

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud  
Examiner  
Art Unit 2837

RDM  
April 3, 2003

  
ROBERT E. NADER  
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